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SUBJECT: TOP FIVE THINGS THAT MAY (OR MAY NOT) HAPPEN AFTER
THE THAI ELECTIONS

Classified By: Ambassador Ralph L. Boyce, 1.4 (b) and (d).

¶11. (C) SUMMARY AND INTRODUCTION: Despite all the polls and predictions, no one is sure how the epic struggle between supporters of former PM Thaksin and his equally-determined opponents will turn out. Sunday's election so far appears to be a genuine horserace, with vigorous campaigning underway. Looking beyond the election, we cannot make any categorical predictions. On balance, we believe that a Democrat-led coalition government is slightly more likely than other outcomes, but only slightly. Other possible outcomes (PPP-led coalition, minority party-led coalition, serious failure by the Election Commission) carry a high risk of provoking a political stalemate or other very undesirable results, including the possibility of military intervention. Below we review possible outcomes, in roughly descending order of probability. We will encourage all the players to ensure the fairest possible election and abide by the results. End summary and introduction.

HAPPY ENDING

¶12. (C) For the Bangkok elite, at least, the happy ending would have the Democrats clearly winning enough seats to form the nucleus of a government. This is still, we think, the most likely outcome, but perhaps only by a very narrow margin. In this scenario, the handsome young Democrat Abhisit is able to woo two to three other parties (including probably Chart Thai and Motherland) to join him in a coalition government. The "happily ever after part" may be short-lived, as this coalition would face persistent challenges from the very strong parliamentary opposition that the pro-Thaksin Peoples Power Party (PPP) would likely present in this scenario. But it would give another year or two of respite before the country had to face elections again.

CLIFFHANGER ENDING

¶13. (C) If the pro-Thaksin PPP wins a substantial plurality, particularly if it only needs to attract just one of several other parties to lead a coalition government, it will be hard to stop them. (Some projections even give the PPP an outright majority.) This outcome appears slightly less likely than the "happy ending." PPP is campaigning strongly, but it would probably need around to win at least 200 seats, and this is a high target to hit -- and maintain in the face of inevitable ECT challenges fueled by fraud allegations (see

para 8). We understand that leaders of the smaller parties have been encouraged by the great and the good of Thailand not to join with PPP -- for example, we have heard that Chart Thai leader Banharn has promised "the Palace" (presumably Privy Counselor President Prem) that he would not join with PPP. Political promises are easily broken, however, and perfidy cannot be ruled out. Some of the old anti-Thaksin campaigners have already threatened to return to street protests if PPP forms the government, but the public shows little appetite for more political street theater. The only real obstacles to the PPP in this scenario would be the courts (possible party dissolution, see para 11) or another military intervention.

THEATER OF THE ABSURD

¶14. (C) This election is viewed by many as a contest between the pro-Thaksin PPP and the anti-Thaksin Democrats. Many projections, however, have three centrist "third force" parties - Chart Thai, Motherland, and Ruam Jai Thai/Chart Pattana -- cumulatively equaling or surpassing the Democrats, and they may have considerable weight to throw around if they can cooperate. The name of Chart Thai leader Banharn Silpa-Archa has been mentioned as a possible compromise candidate for Prime Minister in a "third force" led coalition. A former prime minister and politician of long experience noted for his pragmatism, Banharn would be an uninspiring but non-threatening choice as a compromise candidate for Prime Minister.

¶15. (C) Motherland party leader Suwit Khunkhitti has also been campaigning hard in the vote-rich, rural Northeast (a Thaksin

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stronghold) by emphasizing his local roots and telling the voters they can have a native son as Prime Minister if they vote for Motherland. Some projections have the newcomer Motherland Party out-polling the long established Chart Thai to take third place. Suwit is an experienced politician (former minister and deputy prime minister); he is not an impossible compromise candidate for PM.

¶16. (C) Either the PPP or the Democrats would have to participate in such a "third-force-led" coalition, and both would be galled at the prospect of taking a back seat to parties they beat. If the election were to seem headed for another deadlock, however, they might agree; such a compromise could avert more serious political conflict. Needless to say, such a coalition would be hard to establish and perhaps even harder to maintain. There has also been some discussion of a government of national unity. This idea was supported by former PM Thaksin, following a series of speeches by the King calling for reconciliation and unity. Thaksin's proposal was rejected by most other parties. These are both unlikely outcomes, but not impossible if the election fails to produce a clear winner.

TRAIN WRECK

¶17. (C) There is a concern that the Election Commission (ECT) will simply collapse under the weight of the responsibilities it faces. The election regulations the ECT set are quite strict, limiting the amount of money a candidate can spend, the size and placement of campaign posters, and many other aspects of campaigning. There are a lot of ways that a candidate can break the rules, even leaving aside serious fraud. The ECT is expected to disqualify candidates who commit serious infractions; these "red cards" are issued up to 30 days after the election, leading to re-run elections in which the red-carded candidate cannot run. The ECT is also expected to rule on and organize re-run elections where more minor infractions occurred ("yellow cards"), and all candidates can run again -- also within 30 days of the vote. Any cases not resolved within 30 days are referred to the

Supreme Court of Justice for resolution.

¶18. (C) There are real questions about how the ECT can handle the expected avalanche of fraud claims it is expected to face. As the front-runner, the PPP is likely to be the target of many fraud allegations, but they will be smart enough to fight back with counter-claims of their own, many of which are likely also to merit investigation. With some 40 parties in the race, there will be plenty of losers ready to claim they were robbed of their victory. The ECT must adjudicate fraud claims in a reasonably transparent, fair, and efficient way, and it has to announce winners for at least 95 percent of the seats within 30 days, so the new parliament can meet the deadline in the constitution for its first session.

BACK TO THE FUTURE - DISSOLUTION, ANNULMENT, COUP

¶19. (C) A serious failure by the ECT, calling into question the validity of the election, would give the military a more plausible excuse to intervene (more plausible than "the wrong party won," at least.) It might also form the basis for a court decision to annul the election, as happened with the 2006 vote -- again, opening the door for the military to anoint itself savior and intervene.

10 (C) Allegations of serious irregularities in connection with the absentee/advance voting are a particular vulnerability. Several minor party candidates have filed a petition with the Supreme Court to call off the elections, claiming that the ECT had no legal right to permit advance voting. A PPP candidate has called for annulling the results of the advance voting in Samut Prakan, claiming that incorrect information was posted mis-identifying the candidates and misleading voters. If the advance voters turn out to have voting patterns suspiciously different from those who vote on December 23, more questions may be raised.

¶11. (C) Violent protests could also provide a pretext for the declaration of a state of emergency, delaying the convocation of the new Parliament and the installation of the new government. Such a delay could provide further time for more

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serious fraud accusations against PPP to be adjudicated, possibly leading to the dissolution of the party before it could form the government and exert influence over the process. The allegations so far being investigated against the party (such as distributing a video disk of Thaksin) would probably be insufficient to credibly dissolve the party. However, if the authorities could prove any of the rumors of large movements of cash by Thaksin for his supporters (at least some of which appear credible), this might be defensible legal grounds for party dissolution.

¶12. (C) We emphasize that this is not a likely outcome, but a worst-case scenario. We believe that the public is not prepared to put up with a non-elected government for much longer, and this should be clear to the military leadership. Many who were willing to accept the 2006 coup would not accept another intervention. However, if the ECT is unable to deliver a credible election result, it is unclear just how the country could move forward to solve such a political impasse without the military playing some role.

COMMENT

¶13. (C) One common thread of all these possible outcomes, even the rosiest, is that they provide no long term solution for the divisions in the country. However the vote turns out, the period until the formation of the new government (about mid-February) is likely to be particularly tense and uncertain, as the losers consider their options. We will encourage all the players to work for the fairest possible election, including in the adjudication of fraud claims, and

to abide by the results.

BOYCE